

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 41-43 and 48-69 are pending. Claims 41, 48, 53, 55, 60, 62, 67, and 68 are amended and new Claim 69 is added by the present amendment. As amended Claims 41, 48, 53, 55, 60, 62, 67, and 68 and new Claim 69 are supported by the original disclosure,¹ no new matter is added.

In the outstanding Office Action, Claims 41-43 and 48-68 were rejected under 35 U.S.C. §103(a) as unpatentable over Bieganski et al. (U.S. Patent No. 6,412,012, hereinafter “Bieganski”) in view of Medina et al. (U.S. Patent No. 6,959,288, hereinafter “Medina”).

The outstanding rejection is respectfully traversed.

Amended Claim 41 recites in part:

a recording unit configured to record history data indicative of usage history of the group of contents and at least two filtering data sets each of the at least two filtering data sets defining a filtering criteria as a computation of a weight per each of the contents in accordance with a respective filtering criteria, ***the recording unit being configured to change the filtering criteria of the at least two filtering data sets to values input by a user, the values independent of the usage history;***

a computing unit configured to compute a weight related to a number of checkouts per each of the contents based on both the history data and one of the at least two filtering data sets, the computing unit receiving the filtering criteria of the at least two filtering data sets;

a selecting unit configured to select a content from the group of contents based on the weight computed by the computing unit and to create at least two filtering packages based on the at least two filtering data sets, each of the at least two filtering packages includes information identifying the content selected, and the information identifying the content is capable of being shared by the at least two filtering packages so as to allow the content to belong to both the at least two filtering packages at any given time; and

¹See, e.g., the specification at page 30, line 4.

a displaying unit configured to display a list including at least a title of the content in the information identifying the content selected by the selecting unit.

Bieganski describes a system for making recommendations to a user based on user preference data compiled based on a history of a user choices.² The outstanding Office Action cited column 7, lines 39-41 of Bieganski as describing “the filtering criteria of the at least two filtering sets is generated by the user.”³ However, it is respectfully submitted that tracking demographic or psychographic properties the customer may possess based on their shopping history is *not* changing filtering criteria to values input by a user, *the values independent of the usage history*. In fact, column 7, lines 28-30 of Bieganski clearly states “**Each** of the sets and rules is based on a universal set of items that defines the products, services, or other goods that customers may buy or own.” (Emphasis added.) This clearly indicates that *every* “set” and “rule” defined in Bieganski is based on usage history. Thus, it is respectfully submitted that Bieganski does not teach or suggest “the recording unit being configured to change the filtering criteria of the at least two filtering data sets to *values input by a user, the values independent of the usage history*” as recited in amended Claim 41. Therefore, Bieganski does not teach or suggest “a recording unit” as defined in amended Claim 41. Further, it is respectfully submitted that Medina does not teach or suggest such “a recording unit” either. Consequently, Claim 41 (and Claims 42, 43, and 69 dependent therefrom) is patentable over Bieganski in view of Medina.

As amended Claim 67 also recites “a recording unit” as defined in Claim 41, amended Claim 67 is patentable for at least the reasons described above with respect to Claim 41.

Amended Claim 48 recites in part:

a recording unit configured to record usage history data indicative of usage history of the group of contents, related data about the group of contents, and at least two filtering data

²See Bieganski, column 7, lines 26-45.

³See the outstanding Office Action at page 7, lines 12-20.

sets each of the at least two filtering data sets defining a filtering criteria as a computation of a weight per each the contents in accordance with a respective filtering criteria, *the recording unit being configured to change the filtering criteria of the at least two filtering data sets to values input by a user, the values independent of the usage history.*

As noted above, Bieganski only describes a system for making recommendations to a user based on user preference data compiled based on a history of user choices, and does not describe changing filtering criteria to *values input by a user, the values independent of the usage history*. Therefore, Bieganski does not teach or suggest “a recording unit” as defined in amended Claim 48. Further, it is respectfully submitted that Medina does not teach or suggest such “a recording unit” either. Consequently, Claim 48 (and Claims 49-52 dependent therefrom) is also patentable over Bieganski in view of Medina.

Amended Claims 53, 55, 60, 62, and 68 recite in part “changing the filtering criteria of the at least two filtering data sets to *values input by a user, the values independent of the usage history*.”

As noted above, Bieganski only describes making recommendations to a user based on user preference data compiled based on a history of a user choices, and does not describe changing filtering criteria to *values input by a user, the values independent of the usage history*. Thus, Bieganski does not teach or suggest “changing the filtering criteria of the at least two filtering data sets to *values input by a user, the values independent of the usage history*” as recited in amended Claims 53, 55, 60, 62, and 68. Therefore, Bieganski does not teach or suggest “changing” as defined in amended Claims 53, 55, 60, 62, and 68. Further, it is respectfully submitted that Medina does not teach or suggest “changing” as defined in amended Claims 53, 55, 60, 62, and 68 either. Consequently, Claims 53, 55, 60, 62, and 68 (and Claims 54, 56-59, 61, and 63-67 dependent therefrom) are patentable over Bieganski in view of Medina.

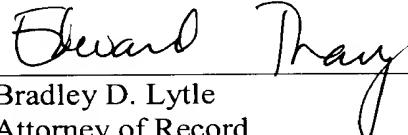
New Claim 69 is supported at least by the specification at page 30, line 4. New Claim 69 recites in part “the recording unit is configured to store the filtering data in a filtering file, and is further configured to change the filtering data in the filtering file to the values input by the user.”

As Bieganski only describes making recommendations to a user based on user preference data compiled based on a history of a user choices, Bieganski cannot teach or suggest changing filtering data stored in a filtering file to values input by a user. Accordingly, new Claim 69 further defines over Bieganski in view of Medina.

Accordingly, the pending claims are believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Edward W. Tracy, Jr.
Registration No. 47,998

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)

I:\ATTY\ET\275730US\275730US-AMD3.18.08.DOC